

ORDINANCE NO. O2015-12

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING ORDINANCE NO. 02014-31; AMENDING THE REQUIREMENTS OF SECTION 5(B)(6); AMENDING THE PENALTY PRESCRIBED UNDER SECTION 17; REGULATING BINGO WITHIN THE CITY LIMITS OF THE CITY OF WILDWOOD; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR BINGO OPERATORS, LESSORS, PREMISES, AND EQUIPMENT, AND OTHER BINGO RELATED REQUIREMENTS; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

Section 1. Findings

The City Commission finds and determines that:

(a) In order to facilitate more effective enforcement of the "Wildwood Bingo Ordinance" and ensure compliance by bingo operators, owners and lessors, the Commission is amending certain provisions of said Ordinance.

(b) Effective enforcement of any law regarding bingo games can only be brought about by local regulation of these games to insure that the proceeds from the games pass into the hands of the groups, organizations or associations identified in Section 849.0931, Florida Statutes, in the manner and for the purposes set forth in the statute.

(c) The Florida District Court of Appeals, Fifth District, has recognized that the Florida Legislature did not intend to preempt the "field of bingo play," and that local governments may regulate conduct and add requirements that are in addition to state requirements. See *F.Y.I. Adventures, Inc. v. City of Ocala*, 698 So.2d 583 (Fla. 5th DCA 1997).

Section 2. Amendments.

(a) Section 5(b)(6) of the Wildwood Bingo Ordinance (Permits), is hereby amended to read as follows:

(6) *An affidavit, sworn to under penalties of perjury, that the owner or lessor has complied with the requirements of Florida Statute § 849.0931.*

(b) Section 14(g) of the Wildwood Bingo Ordinance (Security Requirements), is hereby amended to read as follows:

(g) *Tinted windows or other obstructions of the view through the glass of any Bingo operation shall be prohibited for purposes of visual security of police officers.*

(c) Section 17 of the Wildwood Bingo Ordinance (Penalty), is hereby amended to read as follows:

A person who knowingly and willfully violates the terms of this ordinance, upon being found guilty, shall be punished by a civil fine not to exceed \$5,000.00. Each act of violation and each day any violation shall occur shall constitute a separate offense

Section 3. Severability.

If any Section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

Section 4. Effective date.

This ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 27th day of April, 2015, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST: Cassandra Lippincott
Cassandra Lippincott, City Clerk

Ed Wolf
Ed Wolf, Mayor

First Reading: April 13, 2015
Second Reading: April 27, 2015

Approved as to form:
Ashley S. Hunt
Ashley S. Hunt, City Attorney